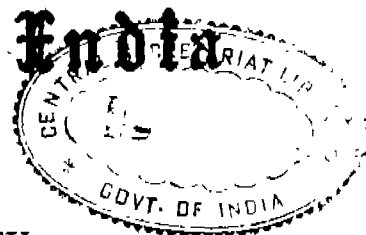


# The Gazette of India



EXTRAORDINARY  
PART II—Section 2  
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## LOK SABHA

The following Bill was introduced in Lok Sabha on the 27th November, 1958:—

\*BILL No. 123 of 1958.

*A Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951.*

[BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

### PART I

#### PRELIMINARY

- 5 1. This Act may be called the Representation of the People Short title.  
(Amendment) Act, 1958.

### PART II

#### AMENDMENTS OF THE REPRESENTATION OF THE PEOPLE ACT, 1950

- 10 2. In section 3 of the Representation of the People Act, 1950 Amendment  
(hereinafter referred to as the 1950-Act), for sub-section (1), the of section 3.  
following sub-section shall be substituted, namely:—

“(1) The allocation of seats in the House of the People shall be as shown in the First Schedule.”.

3. Section 3A of the 1950-Act shall be omitted.

Omission of  
section 3A.

- 15 4. For section 7 of the 1950-Act, the following section shall be  
substituted, namely:—

Substitution  
of new sec-  
tion for sec-  
tion 7.

“7. The total number of seats in the Legislative Assembly of each State specified in the first column of the Second Schedule, to be filled by persons chosen by direct election, shall be

Total  
number of  
seats in the  
Legislative  
Assemblies.

\*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Lok Sabha the consideration of the Bill.

the number specified in the second column thereof opposite to that State.”.

Amendment  
of section 14.

5. As from the 1st day of January, 1959, in section 14 of the 1950-Act, in clause (b), for the words, figure and letters “the 1st day of March” the words, figure and letters “the 1st day of January” shall be substituted. 5

Amendment  
of section  
17.

6. In section 17 of the 1950-Act, the words “in the same State” shall be omitted.

Substitution  
of new sec-  
tion for sec-  
tion 19.

7. For section 19 of the 1950-Act, the following section shall be substituted, namely:— 10

Conditions  
of regis-  
tration.

“19. Subject to the foregoing provisions of this Part, every person who—

(a) is not less than twenty-one years of age on the qualifying date, and

(b) is ordinarily resident in a constituency, shall be entitled to be registered in the electoral roll for that constituency.”. 15

Amendment  
of section 20.

8. In section 20 of the 1950-Act, sub-section (1) shall be omitted.

Substitution  
of new sec-  
tion for sec-  
tion 22.

9. For section 22 of the 1950-Act, the following section shall be substituted, namely:— 20

Correction  
of entries in  
electoral roll.

“22. If the electoral registration officer for a constituency, on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency—

(a) is erroneous or defective in any particular, 25

(b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or

(c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll, 30

the electoral registration officer shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry.”. 35

Omission of  
Section 24.

10. Section 24 of the 1950-Act shall be omitted.

11. After section 30 of the 1950-Act, the following sections shall be inserted, namely:—

Insertion of new sections 31 and 32 after section 30.  
Making of false declarations.

"31. If any person makes in or in connection with—

5 (a) a claim or an application for the inclusion in an electoral roll of his name, or

(b) an objection to the inclusion therein, or an application for the exclusion or deletion therefrom, of the name of any other person,

10 a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

15 32. (1) If any electoral registration officer, assistant electoral registration officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or exclusion of any entry in or from that roll, is without reasonable cause guilty of any act or omission in breach of such official duty, he shall be punishable with fine which may extend to five  
20 hundred rupees.

Breach of official duty in connection with the preparation etc. of electoral rolls.

(2) No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.

25 (3) No court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of, or under authority from, the Election Commission or the Chief Electoral Officer of the State concerned."

12. In the First Schedule to the 1950-Act, the whole of Part I, the word and figures "Part II" and the words "as subsequently consti-  
30 tuted" shall be omitted.

Amendment of the First Schedule.

13. In the Second Schedule to the 1950-Act, the words, letters and figures "as constituted on the 1st November, 1956", the whole of column 2, and the words "As subsequently constituted or partially re-constituted" shall be omitted and column 3 shall be re-numbered  
35 as column 2.

Amendment of the Second Schedule.

### PART III

#### AMENDMENTS OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

14. In section 2 of the Representation of the People Act, 1951 (hereinafter referred to as the 1951-Act), in clause (d) of sub-section (1), the words "or in the electoral college of a Union territory" shall be omitted.

Amendment of section 2.

Amendment  
of section 7.

15. In section 7 of the 1951-Act, for clause (d), the following clause shall be substituted, namely:—

“(d) if there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government;”.

Amendment  
of section 8.

16. In section 8 of the 1951-Act,—

- (a) in sub-section (1), clauses (c) and (d) shall be omitted;
- (b) sub-section (2) shall be omitted.

Amendment  
of section 9.

17. In section 9 of the 1951-Act, sub-section (2) shall be omitted. 10

Amendment  
of section 34.

18. In section 34 of the 1951-Act, in sub-section (1),—

- (a) the word “and” shall be added at the end of clause (a);
- (b) the word ‘and’ at the end of clause (b), and the whole of clause (c) shall be omitted. 15

Amendment  
of section 39.

19. In section 39 of the 1951-Act, in sub-section (2), for the word and figures “section 34”, the words, brackets, letter and figures “clause (a) of sub-section (1) of section 34” shall be substituted.

Amendment  
of section 50.

20. In section 50 of the 1951-Act, for the word “candidate” 20 wherever it occurs, the words “contesting candidate” shall be substituted.

Amendment  
of section 52.

21. In section 52 of the 1951-Act, in the second proviso, the words, brackets, figures and letter “or a notice of retirement from the contest under sub-section (2) of section 55A” shall be omitted. 25

Omission  
of section  
55A.

22. Section 55A of the 1951-Act shall be omitted.

Amendment  
of section 56.

23. In section 56 of the 1951-Act, in the proviso, for the words “a constituency”, the words “a parliamentary or assembly constituency” shall be substituted.

Amendment  
of section 60.

24. In section 60 of the 1951-Act, in clause (a),— 30

- (a) sub-clause (ii) shall be omitted;
- (b) in sub-clause (iv), the brackets and figures “(ii)” shall be omitted.

Substitution  
of new section for section 61.

25. For section 61 of the 1951-Act, the following section shall be substituted, namely:— 35

Special procedure for preventing personation of electors.

“61. With a view to preventing personation of electors provision may be made by rules made under this Act—

- (a) for the marking with indelible ink of the thumb

or any other finger of every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station before delivery of such paper or papers to him;

5 (b) for the production before the presiding officer or a polling officer of a polling station by every such elector as aforesaid of his identity card before the delivery of a ballot paper or ballot papers to him if under rules made in that behalf under the Representation of the People Act, 43 of 1950. 10 1950, electors of the constituency in which the polling station is situated have been supplied with identity cards with or without their respective photographs attached thereto; and

15 (c) for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his thumb or any other finger or does not produce on demand his identity card before the presiding officer or a polling officer of the polling station.”.

26. In section 64 of the 1951-Act, for the word “candidate”, Amendment of section 64  
20 the words “contesting candidate” shall be substituted.

27. In section 67A of the 1951-Act, the word, figures and Amendment of section 67 A.  
letter “section 55A” shall be omitted.

28. In section 90 of the 1951-Act, in sub-section (3), the fol- Amendment of section 90.  
lowing *Explanation* shall be inserted, namely:—

25 “*Explanation.*—An order of the Tribunal dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of section 98.”.

29. In section 116A of the 1951-Act,—

30 (a) in sub-section (4), after the word and figures “section 107”, the words “and a copy of the stay order shall immediately be sent by the High Court to the Election Commission” shall be inserted;

Amendment of section 116 A.

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

35 “(6) As soon as an appeal is decided, the High Court shall intimate the substance of the decision to the Election Commission, and as soon as may be thereafter, shall send to the Election Commission an authenticated copy of the

decision; and upon its receipt, the Election Commission shall—

(a) forward copies thereof to the authorities to which copies of the order of the Tribunal were forwarded under section 106, and

(b) cause the decision to be published in the gazette or gazettes in which that order was published under the said section.”.

Amendment of section 117. 30. In section 117 of the 1951-Act, the words “the Secretary to” shall be omitted. 10

Amendment of section 119 A. 31. In section 119A of the 1951-Act, the words “the Secretary to” shall be omitted.

Amendment of section 121. 32. In section 121 of the 1951-Act,—  
(a) in sub-section (1), for the words and figures “within a period of six months from the publication of such order under section 106”, the words “within a period of one year from the date of such order” shall be substituted; 15

(b) in sub-section (2), for the words “six months”, the words “one year” shall be substituted.

Amendment of section 122. 33. In section 122 of the 1951-Act, in the proviso, for the words 20 and figures “within a period of six months from the date of publication of such order under section 106”, the words “within a period of one year from the date of such order” shall be substituted.

Amendment of section 123. 34. In section 123 of the 1951-Act,—  
(a) for clause (1), the following clause shall be substituted, 25 namely:—

“(1) ‘Bribery’, that is to say,—

(A) any gift, offer or promise by a candidate or his agent or by any other person of any gratification, to any person whomsoever, with the object, directly or in- 30 directly of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(b) an elector to vote or refrain from voting at an election, 35  
or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

5 (a) by a person for standing or not standing as, or for withdrawing from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

15 *Explanation.*—For the purposes of this clause the term ‘gratification’ is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.”

20

(b) in clause (4), the words “or retirement from contest” shall be omitted.

35 In section 134 of the 1951-Act, in sub-section (3),—

Amendment  
of section  
134.

25 (a) the words “Electoral Registration Officers, Assistant Electoral Registration Officers”,

(b) the words “the preparation of an electoral roll”, and

43 of 1950. (c) the words and figures “or by or under the Representation of the People Act, 1950” shall be omitted.

30 36. In section 136 of the 1951-Act, in sub-section (3), the words and figures “or, by or under the Representation of the People Act, 1950” shall be omitted.

Amendment  
of section  
136.

37. For section 158 of the 1951-Act, the following section shall be substituted, namely:—

Substitution  
of new  
section for  
section 158.

35 “158. (1) The deposit made under section 34 or under that section read with sub-section (2) of section 39 shall either be returned to the person making it or his legal representative or be forfeited to the appropriate authority in accordance with the provisions of this section.

Return or  
forfeiture of  
candidate's  
deposit.

(2) Except in cases hereafter mentioned in this section, the deposit shall be returned as soon as practicable after the result of the election is declared.

(3) If the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, 5 the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.

(4) Subject to the provisions of sub-section (3), the deposit shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled 10 by him does not exceed one-sixth of the total number of valid votes polled by all the candidates or in the case of election of more than one member at the election, one-sixth of the total number of valid votes so polled divided by the number of mem- 15 bers to be elected:

Provided that where at an election held in accordance with the system of proportional representation by means of the single transferable vote, a candidate is not elected, the deposit made by him shall be forfeited if he does not get more than one-sixth 20 of the number of votes prescribed in this behalf as sufficient to secure the return of a candidate.

(5) Notwithstanding anything in sub-sections (2), (3) and (4),—

(a) if at a general election, the candidate is a contesting candidate in more than one parliamentary constituency or 25 in more than one assembly constituency, not more than one of the deposits shall be returned, and the others shall be forfeited;

(b) if the candidate is a contesting candidate at an election in more than one council constituency or at an 30 election in a council constituency and at an election by the members of the State Legislative Assembly to fill seats in the Legislative Council, not more than one of the deposits shall be returned, and the others shall be forfeited.”.



## STATEMENT OF OBJECTS AND REASONS

The object of the present Bill is to carry out certain amendments in the Representation of the People Acts, 1950 and 1951, which are considered necessary in the light of the further experience gained by the Election Commission and the Government in the working of these two Acts since their last amendments in 1956. The reasons for the principal changes proposed in the Bill are given in the Notes on clauses.

NEW DELHI;  
*The 20th November, 1958.*

R. M. HAJARNAVIS.

*Notes on clauses*

*Clauses 2 and 12.*—These two clauses seek to amend section 3 and the First Schedule to the 1950-Act as after the second general elections Part I of the First Schedule showing allocation of seats in the House of the People as first constituted has become unnecessary.

*Clause 3.*—By this clause section 3A of the 1950-Act is proposed to be omitted as that section which provided for reservation of seats in the House of the People for Scheduled Castes and Scheduled Tribes in the quondam Part C States of Delhi, Himachal Pradesh, Vindhya Pradesh and Manipur is now spent as a consequence of the reorganisation of States. Provisions for reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People and the State Legislative Assemblies are now contained in the Delimitation of Parliamentary and Assembly Constituencies Order, 1956.

*Clauses 4 and 13.*—After the second general elections references to total number of seats in the Legislative Assemblies as constituted on the 1st November, 1956 have become unnecessary. It is accordingly proposed to amend section 7 and the Second Schedule to the 1950-Act suitably by these two clauses.

*Clause 5.*—This clause seeks to change the qualifying date in relation to the preparation or revision of the electoral rolls for an assembly constituency from the 1st of March to the 1st of January. The electoral rolls are prepared or revised by electoral registration officers and assistant electoral registration officers who are invariably revenue officers. As the financial year closes on the 31st of March, these officers always remain extremely busy with their revenue collection work for two or three months beginning from March and are unable to give adequate attention to the preparation or revision of electoral rolls with the result that such preparation or revision is considerably delayed and it often happens that the final publication of the rolls cannot be done till after the close of the year. This affects the holding of bye-elections, specially bye-elections which fall due in the second-half of the year. The bye-elections have either to be put off till the electoral rolls are revised or to be held on the basis of the old inaccurate rolls. To get over this unsatisfactory state of affairs it is proposed to change the qualifying date by amending section 14(b) of the 1950-Act.

*Clauses 6, 8 and 9.*—Complaints about inaccuracies in electoral rolls quite often come to the Election Commission. Inaccuracies in electoral rolls occur principally in two ways. In the first place, sometimes the names of dead and non-resident electors continue in electoral rolls long after they have died or ceased to reside in the constituency. At present electoral registration officers have not the power to exclude from the electoral rolls the names of dead or non-resident electors *at any time*. This can be done only once at the time of the annual revision of the rolls. By clause 9 of the Bill it is proposed to substitute a new section for section 22 giving power to electoral registration officers to exclude from the electoral rolls the names of dead or non-resident electors *at any time*. This power however, should not be unrestricted and should be exercised subject to such special or general directions as the Election Commission may issue from time to time.

In the second place, another reason for inaccuracies in the electoral rolls is that the name of the same person may appear in more than one place in the electoral roll for the same constituency or in the electoral rolls of more constituencies than one in the same State. This defect is due to a great extent to the existing provisions of section 20(1) of the 1950-Act which gives an artificial meaning to the expression 'ordinarily resident'. There is no reason why any person should be entitled to be registered as a voter at all merely on the ground that he owns or possesses a house in a particular locality, although he may not be resident in that locality in the ordinary sense of the term. It is accordingly proposed by clause 8 of the Bill to omit sub-section (1) of section 20 of the 1950-Act. Sufficient provisions exist in the law for the safeguarding of interests of persons who are compelled by the exigencies of the offices they hold to stay away from their homes. After the omission of sub-section (1) of section 20, it will not be necessary to retain the words 'in the same State' occurring in section 17 of the 1950-Act. By clause 6 of the Bill these words are therefore proposed to be omitted.

*Clause 7.*—At present under section 19 of the 1950-Act, ordinary residence in a constituency on the qualifying date is a condition precedent to the inclusion of a person's name in the electoral roll of that constituency. In actual practice it is hardly possible for the electoral registration officer to satisfy himself that an elector was a resident on a particular date in a constituency. There is no reason why ordinary residence in a constituency should be made relatable to a particular date. This is not required even by the Constitution. Under article 326 only the age of the citizen is related to a particular date, that is to say, a citizen who is not less than twenty-one years

of age on such date as may be fixed in that behalf by or under law (that is, the qualifying date) is entitled to be registered as a voter. But there is no such provision in relation to ordinary residence. By this clause it is accordingly proposed to amend section 19 suitably so as to make only the age of an elector relatable to the qualifying date but not his residence in the constituency.

*Clause 10.*—By this clause it is proposed to omit section 24 of the 1950-Act as that section is now spent.

*Clause 11.*—Cases have occurred in which false statements and declarations have been made by persons in connection with inclusion or exclusion of names in or from electoral rolls. By new section 31 proposed to be inserted in the 1950-Act by clause 11 such false statements and declarations are made punishable.

Section 134 of the 1951-Act provides for the breach of official duty in connection with elections. Though electoral registration officers and assistant electoral registration officers are mentioned in that section, these officers have practically no official duty to perform under that Act. It is, therefore, considered that breach of official duty by these categories of officers should be provided for in the 1950-Act. This is proposed to be done by new section 32 as in clause 11.

*Clauses 14 and 18.*—In the Union territories of Himachal Pradesh, Manipur and Tripura the elected members of the territorial councils constituted under the Territorial Councils Act, 1956 function as the electoral college for the purpose of elections to the Council of States from those territories; and in the Union territory of Delhi the councillors of the Delhi Municipal Corporation and ten persons elected from the New Delhi and Cantonment areas form the electoral college. Therefore, there is no election under the 1951-Act to fill a seat or seats in any of these electoral colleges from any electoral college constituency. The words 'or in the electoral college of a Union territory' occurring in section 2(1) (d) and the whole of clause (c) of section 34(1) of the 1951-Act are, therefore, unnecessary and proposed to be omitted by clauses 14 and 18.

*Clauses 15, 16 and 17.*—The language of section 7(d) of the 1951-Act which provides for disqualification in case of contracts with the Government is wide and vague enough to bring any kind or category of contract within its scope and it has been a fruitful source of election disputes in the past. Persons who only occasionally broadcast any talk from the radio station or contribute any article to any Government publication may come within the mischief of this section. It is accordingly proposed to redraft section 7(d) in a simpler and more rational way so as to bring within its purview only two cate-

gories of contracts entered into by a person with the Government in the course of his trade or business. These two categories are contracts for the supply of goods and contracts for the execution of any works.

By way of consequential amendments clauses (c) and (d) of sub-section (1) of section 8, sub-section (2) of that section and sub-section (2) of section 9 are proposed to be omitted by clauses 16 and 17.

*Clause 19.*—Section 39 of the 1951-Act does not at present require any deposits to be made by candidates at an election to fill seats in the Council of States or a State Legislative Council by members of the Legislative Assembly of a State or by the members of the electoral college of a Union territory. Such a provision appears to be necessary in order to prevent the filing of irresponsible and frivolous nomination papers. Accordingly it is proposed by this clause to amend sub-section (2) of section 39 so as to make clause (b) of section 34(1) applicable to such elections.

*Clauses 20 and 26.*—The amendments proposed in these clauses are clarificatory.

*Clauses 21, 22 and 27.*—Section 55A of the 1951-Act which was inserted in 1956 has proved in its working to be most unsatisfactory both from the point of view of purity of elections and from the point of view of administrative convenience. By clause 22 it is accordingly proposed to omit this section. The amendments proposed in clauses 21 and 27 are consequential.

*Clause 23.*—Since the number of voters allotted to a polling station in a council constituency is very much smaller than that allotted to a polling station in a parliamentary or assembly constituency, the eight-hour poll in the former means a considerable waste of time and is quite unnecessary. It is accordingly proposed by this clause to amend proviso to section 56 of the 1951-Act so as to make it applicable only to parliamentary and assembly constituencies.

*Clause 24.*—The various classes of persons specified in section 60 of the 1951-Act can give their votes only by postal ballot and not in any other manner. The persons referred to in sub-clause (ii) of clause (a) of this section are amongst others the Ministers and Deputy Ministers of the Union and it has been suggested to the Election Commission that they would like to vote personally in their own constituencies and should not be compelled to give their votes by postal ballot. It is accordingly proposed to omit sub-clause (ii) of clause (a) of section 60.

*Clause 25.*—The existing provisions of section 61 of the 1951-Act provide for the marking with indelible ink of the thumb or any other

finger of every elector with a view to preventing personation of electors at the time of poll. But even this has not been found to be a sufficient check for prevention of personation specially in constituencies in big cities. It is, therefore, proposed by this clause to introduce further provisions in section 61 enabling rules to be made for the production before the presiding or the polling officer of a polling station by every elector of his identity card before the delivery of any ballot paper to such elector if under rules made under the 1950-Act electors of the constituency have been supplied with identity cards with or without their respective photographs attached thereto.

*Clause 28*—Doubts have arisen whether orders under section 90 (3) can be treated as orders made under section 98 (a). It is accordingly proposed by this clause to insert an explanation in sub-section (3) of section 90 provided that orders under section 90 (3) shall be deemed to be orders under section 98 (a).

*Clause 29*.—By this clause it is proposed to amend section 116A so as to provide for the prompt intimation being sent by the High Courts to the Election Commission of stay orders and decisions in appeal.

*Clauses 30 and 31*.—By these clauses it is proposed to omit references to 'the Secretary to the Election Commission' occurring in section 117 and 119A, as the question whether deposits made in favour of the Election Commission and not in favour of the Secretary have been validly made, has been fought right upto the Supreme Court.

*Clauses 32 and 33*.—By these clauses it is proposed to extend the period for making an application for payment of costs in an election case out of security deposits, from six months to one year. The amendment proposed by clause 33 in section 122 is consequential.

*Clause 34*.—In a recent case the Supreme Court on an interpretation of clause (1) of section 123 of the 1951-Act has held that acceptance of gratification is not included in the definition of the corrupt practice of bribery. Formerly, acceptance of gift or gratification was a minor corrupt practice under section 124 (3) but that entire section was omitted by the last amendment of the Act with the result that acceptance of gift is no longer a corrupt practice. It is proposed by this clause to amend section 123 (1) so as to include acceptance of gratification within the corrupt practice of bribery as there is no reason why such acceptance should not be regarded as bribery.

*Clauses 35 and 36.*—The amendments proposed in these clauses are consequential on the proposed insertion of new section 32 in the 1950-Act by clause 11 of the Bill.

*Clause 37.*—Sub-section (2) of section 158 of the 1951-Act does not indicate how the number of votes polled by a candidate and the total number of votes polled by all the candidates are to be counted at an election held in accordance with the system of proportional representation by means of the single transferable vote. Section 158, therefore, requires amendment in this respect. In the next place, where the marking system of voting is adopted at an election in a two-member assembly or parliamentary constituency and a voter records both his votes on one single ballot paper, the rule in existing sub-section (3) of section 158 does not give the intended result. For all these purposes section 158 has been redrafted as in this clause.

## FINANCIAL MEMORANDUM

By clause 25 of the Representation of the People (Amendment) Bill, 1958, section 61 of the Representation of the People Act, 1951, is sought to be amended to provide for the production of identity cards at the time of voting by voters to whom such cards have been issued in accordance with rules made in this behalf under the Representation of the People Act, 1950. The introduction of the system of identity cards would involve expenditure out of the Consolidated Fund of India as on a rough estimate the cost of preparation of an identity card with photograph will be near about Re. 0.75, although such cost in the case of an identity card without photograph will be very much less. It is, however, not possible to give an estimate of the total amount of expenditure involved in any year on this account as that would depend upon the number of constituencies selected by the Election Commission for this purpose in any year and the number of voters therein.

The expenditure involved in the issue of identity cards will, as in the case of other expenditure relating to elections, be shared between the Central Government and the State Governments on a 50:50 basis.

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M. N. KAUL,  
*Secretary.*